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**BEFORE THE HOUSE COMMITTEE ON HOMELAND SECURITY,
SUBCOMMITTEE ON INTELLIGENCE, INFORMATION SHARING
AND TERRORISM RISK ASSESSMENT**

“HOMELAND SECURITY INTELLIGENCE: ITS RELEVENCE and LIMITATIONS”

March 18, 2009

Introduction

Chairwoman Harman and distinguished members of the Committee, my name is Gary Edwards and I am the Chief Executive Officer of the National Native American Law Enforcement Association ("NNALEA"). I am honored and pleased to appear before the House Committee on Homeland Security, Subcommittee on Intelligence, Information Sharing and Terrorism Risk Assessment regarding “Homeland Security Intelligence: Its Relevance and Limitations.”

The assessment, judgments, evaluations and opinions I offer to you today is based upon my service of over 28 years as a Special Agent in the United States Secret Service. During my tenure in the Service the routine use of shared intelligence and information was a part of every workday. My expertise and use of intelligence and information was honed through extensive training and field work as a Special Agent. Secret Service employees are ingrained with the deep-seated awareness that in the Secret Service protective arena there is no room for error, no excuse for not knowing and no reason for not eliminating any threat or possible vulnerability to a protective mission. The success of our protective missions depended greatly upon the help, cooperation, and sharing of Intelligence and information by many professionals, organizations and agencies, especially those whose mission required collection of Intelligence and information regarding terrorist and criminals.

As the CEO of NNALEA I have focused my attention on Indian Countries sharing of Intelligence and information and Tribal participation in the Information Sharing Environment. Much of my Tribal training and experience was gained from Tribal professionals who work every day on the streets and in rural communities, risking their lives to secure our Homeland.

In addition, I have served on numerous Homeland Security advisory committees, task forces and working groups for the Department of Homeland Security, the Interagency Threat Assessment and Coordination Group, the Department of the Interior, and the Department of Justice. I have co-authored two NNALEA publications: “Tribal Lands Homeland Security Report” and “The Importance of Tribes at the Frontlines of Border and Homeland Security.” Also, I co-developed the DHS certified training course “Regional Collaboration and Tribal Partnerships” which is currently being taught nationally.

Background on NNALEA

As many of you may be aware, NNALEA is a non-profit public service organization founded in 1993, which among other things, provides a media for the exchange of ideas and new techniques, and establishes networks for training, collaboration, technical assistance, information sharing and investigative assistance between federal, tribal, state and local governments and agencies and the private sector. NNALEA has conducted sixteen (16) National Training Conferences across the United States, and is currently preparing for its thirteenth (17th) National Training Conference to be held on September 08-11, 2009 in Catoosa, Oklahoma. Homeland Security Intelligence and Information Sharing will be hot topics at this upcoming National Training Conference.

A Significant War

Our Nation is engaged in a significant war against terrorism, criminal activity and international threats against our freedom and way of life. It is a guerrilla type warfare that has already touched our homeland and our hearts. It has violated our feeling of security. This war threatens economic stability which is in the midst of a depression. Those that wish us harm and are trying to make profit from illegal drug dealings, smuggling, acts of terror and other crimes are waging terrible and violent war against our citizens.

On the International front our enemies threatening world peace and world economic calamity. Our enemy has targeted battlefields in our cities, towns, communities and backyards. We have risen to the occasion united, resilient and determined with God's help to be victorious. Our Nation's primary weapon in this fight is the timely sharing of accurate Intelligence and Information by those who have a responsibility to provide the Intelligence necessary to protect lives, property, critical infrastructure, economic stability, and our freedom.

Intelligence and Information Sharing is a significant tool in this war that has been reinvented, to more seamlessly and speedily flow massive amounts of Intelligence and Information vertically and horizontally both domestically and internationally. There are many experts more astute than I in the Intelligence and Information Sharing Environment and I am confident they will apprise you of the latest trends and future of Intelligence and Information Sharing. I will share with you NNALEA's assessments, observations and opinions regarding Indian Countries willingness to participate in the Intelligence and Information Sharing Environment, Tribal opportunities to participate in the Intelligence Community and the critical importance of Tribal participation in the National Strategy for Intelligence and Information Sharing.

The Important of Indian Country

There are over 100 million acres of Tribal lands in the continental United States and Alaska Native Villages. Tribal lands in the Continental Unites States consist of over 55 million acres and include 300 reservations. The largest reservation is the Navajo Reservation which is larger than the entire State of West Virginia with parts of the reservation in four States. Tribal

lands and the Alaskan Villages are Federally Recognized and are referred to as Indian Country. Indian Country is replete with critical infrastructure and key resources, some of which are:

- Dams; Water Impoundments and Reservoirs; Electrical Generation Plants Feeding Major Power Grids; Natural Gas, oil and coal Production Facilities, Major Entertainment Facilities; Critical Pipelines, Railway and Vehicular Transcontinental Highway Systems; Airports and Remote Landing Strips.
- 25 Tribal Reservations are located on and /or across the United States International Borders with Canada and Mexico; 41 Tribal Reservations are within 100 miles of those International US Borders. Tribal Lands also include Ports and Waterways Open to Navigation from International Waters
- Farming and Husbandry on an International Scale
- Timber, Wildlife and Green Eco-System Friendly Management
- Bio-diesel friendly farming lands
- Major Drinking Water and Waste Systems

The above cited Critical Infrastructure and Key Resources on Tribal Lands have much primary vulnerability and risk due to:

- the existence of non-integrated Tribal law enforcement and a lack of jurisdictional clarity
- the minimal emergency response, and medical capacity, planning and implementation
- a general lack of operable communications
- Drug cartels and terrorist organizations targeting Tribal lands and casinos for terrorist acts, illegal operations and distribution of drugs on a national scale.
- The lack of preparedness planning, partnering and capabilities to protect citizens, property, critical infrastructure and key resources
- Inadequate funding to develop emergency capabilities
- Widespread Tribal unemployment
- Inadequate medical care
- Non-participation in State and local Fusion Centers
- Non-Tribal organizations and agencies not willing to share intelligence and information with Tribal authorities
- Federal Agencies unwillingness to share Tribal information with each other

The above listed threats and vulnerabilities in Indian Country can have a negative impact outside the reservations and do not solidify our National efforts to eliminate terrorist acts, violent crime and international threats to our Nation.

The Relevance of Homeland Security Intelligence.

Not having the information you need when you need it leaves you wanting. Not knowing where to look for that information leaves you powerless. In a society where information is king, none of us can afford that.

Lois Horowitz

The Office of the Director of National Intelligence (DNI)

Relevance to Tribes: The Director of National Intelligence is the “Master Weaver” of National Intelligence, validates its collection, accuracy, analysis, objectivity and timely distribution to appropriate users of the Intelligence products produced, which include Tribes.

Limitations to Tribes: The Office of the Director of National Intelligence has been slow to develop a national action plan for Tribal inclusion in the Intelligence Community (IC). There has been an effort to produce a program in Indian Country. However, its first attempt met with undesired results.

Solutions for Tribes: We believe that DNI Intelligence projects for Indian Country would be better served and more likely to be accepted by Tribes, if direct funding for the projects was made directly to Tribes and their partners whose primary focus is a national approach to Indian Country Intelligence and Information Sharing.

The Interagency Threat Assessment and Coordination Group (ITACG)

Relevance to Tribes: The IATCG Detail and Advisory Council purpose and vision are consistent with the vision of Intelligence Sharing in Indian Country. The ITACG’s relationship within the Information Sharing Environment (ISE) is of great value to the Tribal and non-Tribal Intelligence Community (IC). The products development by the ITACG Detail are right now actionable to all within the IC and ISE partnerships. The men and women that make up the ITACG are exceptional, dedicated professionals that always give their best efforts to serve their counterparts in the field. The ITACG Detail and Advisory Council have worked hard to ensure Indian Country participation. The ITACG recently completed an ITACG Dissemination Process and Issues Survey in an effort to better serve the users of the ITACG Detail products.

Limitations to Tribes: Although the purpose and vision of the ITACG Detail and Advisory Council are clear, some of the Intelligence products they would like to produce have not been forthcoming as quickly as desired due largely to the cumbersome administrative process that is to be expected in the Intelligence arena.

The greatest concern for the Tribal Intelligence Community (TIC) and for the ITACG Detail and Advisory Council is the disturbing results of Tribal participation in the ITACG Dissimilation Process and Issues Survey. Of the 480 responses to the survey only 3 were Tribal, two from Tribal Fire Departments in California and one from a Tribal Law Enforcement Department in Alabama. Therefore, the outreach and awareness efforts of the ITACG are not reaching the Tribal Intelligence Community. There may be too many Federal Intelligence and Information Sharing groups within the Federal Government that appear to duplicate or replicate Intelligence dissemination. Many Tribal departments do not have the staff to participate in multiple groups and compare and analyze which one best serves their need for a particular vulnerability or threat. The result is that the good information provided in ITACG Intelligence products are not used to their full and desired potential. We feel this is true for many non-Tribal departments as well, not to mention the cost of duplicate programs in government.

Solutions for Tribes: We believe the Tribal solution to this Intelligence dissemination problem is answered in three actions: (1) the ITACG should partner with a National Organization whose primary focus is a national approach to Indian Country for Intelligence and Information Sharing; (2) the ITACG should reach out to Tribes with awareness training, exercises and surveys through the partnership with the National Indian Country partner cited above; and (3) this Congressional Committee and the ITACG should advocate for the elimination of costly duplicative federal Intelligence and Information Sharing programs.

We feel the new leadership of the IATCG will remove road blocks and empower the ITACG Detail and Advisory Council to accurately produce and rapidly disseminate ITACG Intelligence products needed by State, Tribal and local Intelligence Community professionals in the field.

The Department of Homeland Security – Office of Intelligence and Analysis (I&A)

Relevance to Tribes: Indian Country embraces the DHS I&A's commitment to change the national Intelligence Culture from "a need to know" to "a responsibility to provide" Intelligence and Information Sharing to the Tribal and non-Tribal Intelligence Sharing Environment and Culture. The best way to lead change is through example. Indian Country Law Enforcement and other Tribal First Responders desperately need and seeks real-time, accurate Intelligence and Information from the DHS I&A regarding: (1) threats related to border security; (2) the threat of radicalization and extremism; (3) threats from particular groups entering the United States; (4) threats to the Homeland's critical infrastructure and key resources; and (5) information regarding weapons of mass destruction and health threats. These five areas of Intelligence and Information Sharing for which DHS has analytic thrusts are extremely important to Tribal Communities on a daily, even hourly basis to save lives, protect property, prevent destruction of critical infrastructure and key resources, preserve economic systems and contribute to the defense of the United States of America.

Indian Country is pleased with the appointment of Governor Janet Napolitano as the Secretary of the Department of Homeland Security. In her former position as Governor of Arizona, she has gained extensive knowledge of Indian culture and values. Arizona has the greatest population of Native Americans that any state in the continental US. Secretary Napolitano's quick action to bring consultation between Tribe and DHS is historic and long overdue. We commend and join the Secretary in her support for State and local Fusion Centers as the "centerpiece of our mutual intelligence future." Currently, partners in Indian Country are already planning for "Tribal Regional Fusion Centers" (TRFC). We look with anticipation to the TRFC's interaction with State and local Fusion Centers and becoming an integral part of the Intelligence Community and the Information Sharing Environment.

Limitations to Tribes: Tribes have many limitations preventing participation with the DHS I&A Information Sharing Environment and Intelligence Community. Some of the limitations are: (1) a lack of recognition by DHS of Tribal sovereignty; (2) the DHS minimal outreach to Tribal leaders and officials; (3) regularly overlooking Tribes to participate in National, Regional and State Homeland Security exercises and events; (4) on a yearly basis, DHS's provides inadequate funding for Tribal programs regarding Homeland Security planning,

training, equipment, connectivity, partnership building, and inclusion in DHS National programs; and (5) the lack of outreach, awareness, a favorable location, cooperation, funding, training, cultural issues, sharing of Intelligence and Information, and partnership building on a National basis, limits Indian Country's willingness to daily participate in State and local Fusion Centers.

Solutions for Tribes: Most of the above cited limitations can be eliminated within a short time cycle with the combined effort of the White House, this Congressional Committee the Secretary of Homeland Security. The DHS Tribal solutions are:

- (1) Secretary Napolitano began removing the first cited limitation when she recently instituted a DHS policy of Tribal consultation between the DHS and Tribal governments. This government to government relationship recognizes Tribal sovereignty;
- (2) The President, Secretary Napolitano and Congressional Members participation in National Tribal events and meetings with Tribal Leaders can remove the 2nd limitation;
- (3) A sincere effort by DHS program Directors inviting Tribal Leaders send Tribal representatives to participate in National, Regional and State exercises and events will yield partnerships and Tribal support for DHS National, Regional, State and Tribal projects and thereby remove another limitation;
- (4) a) NNALEA and the National Congress of American Indians (NCAI) request a minimal increase of the Tribal portion of the SHGP from 0.1% to 1.0 % and to allow Tribes to apply directly to DHS for all grant programs rather than through the States.
b) DHS provided funding and support for Tribal Homeland Security programs and initiatives to National organizations whose primary focus and body of work is a national approach to Indian Country homeland security issues and whose organization houses the expertise necessary to carry out a national program for Indian Country.
c) DHS providing continuation funding for successful Tribal training programs and initiatives that encourage Regional Tribal inclusion in programs like Intelligence and Information Sharing (note: the only Tribal DHS certified "Regional Collaboration and Tribal Partnerships" training program that will have reached 60 regional training sites nationwide should receive continuation funding to deliver that critical partnership training after October 1, 2009.)
- (5) a) Generally, Indian Country supports the concept of State and local Fusion Centers so much so that plans are underway to develop a Tribal Regional Fusion Center on the Navajo Reservation to connect Tribes in its region directly to State and local Fusion Centers.
b) DHS funding and DHS I&A support are critical for TRFC plans to be successful.
c) The success of Tribal Regional Fusion Centers can eliminate most of the limitations cited above for Tribes and their participation in State and local Fusion Centers.
d) The Bureau of Indian Affairs, Office of Justice Services (BIA-OJS) must be a major component of any Intelligence and Information Sharing initiative for Indian Country like the Tribal Regional Fusion Centers. BIA OJS is the premier National Law Enforcement Agency for Indian Country whose primary mission is Indian Country law enforcement.

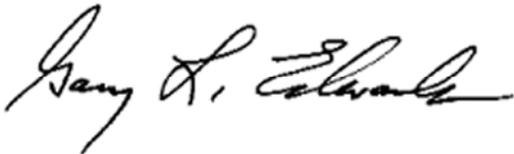
e)The DOI, Office of Indian Affairs should be a partner and leader in Tribal Homeland Security Intelligence and Information Sharing initiatives by DHS I&A and the DHS Intelligence Enterprise (IE) internal partners.

Conclusion.

For the protection of our Homeland to be successful, our Nation must have a seamless network of Homeland Security intelligence and information sharing. To be seamless, this network must include Tribes. Tribes, though, are often left wanting for Homeland Security information. This, in turn, limits our Country's network of Homeland Security Intelligence and Information sharing. Fortunately, Intelligence and Information sharing with Tribes can be fixed rather quickly through the actions delineated above by the White House, this Congressional Committee and the Department of Homeland Security.

I am happy to answer any questions you may have.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Gary L. Edwards". The signature is fluid and cursive, with the first name "Gary" being the most prominent.

Gary L. Edwards
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National Native American Law Enforcement Association